

)	
UNITED STATES OF AMERICA,)	
)	
v.)	
)	Criminal No.
JAMES D. GOODWYN,)	05-10220-NMG
)	
Defendant.)	
)	

GORTON, J.

In a Memorandum & Order dated June 29, 2011, the Court took under advisement Ground One of the petition pending submission of an affidavit by Attorney Joseph F. Krowski addressing 1) whether he consulted with Goodwyn regarding a direct appeal and 2) whether (and if so, when) Goodwyn instructed him to file a direct appeal. On July 6, 2011, at the Court's direction, Attorney Krowski submitted a sworn affidavit.

- 1 -

23, 2010) (finding evidentiary hearing necessary to resolve disputed issue of material fact with respect to counsel's alleged failure to file direct appeal despite petitioner's request); see also United States v. McGill, 11 F.3d 223, 225-26 (1st Cir. 1993) (setting forth standard for evidentiary hearing).

Accordingly, pursuant to Rule 3(a)(1) of the Rules for United States Magistrate Judges in the United States District Court for the District of Massachusetts, the case is referred to Magistrate Judge Marianne B. Bowler for an evidentiary hearing on Ground One and the submission of a Report and Recommendation in that regard.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated July 8, 2011